

Employment Screening Procedure

Version	Date	Status	Comments
1.0	March 2010	Draft	Creation of a single policy, bringing together existing policies and adding the requirement for ISA registration
1.0	August 2010	Draft	Sent out for consultation via JCC and Corporate Bulletin Board
1.1	November 2010	Final	Sending to Resources Portfolio Holder for Approval
2.0	July 2015	Revised draft	Revised policy to reflect: <ul style="list-style-type: none"> • that BPSS underpins pre-employment screening and will be obtained as a minimum for all new appointments, including a Disclosure Scotland certificate; • how evidence of meeting the standard will be recorded (including forms used and copies of the reference request; • Revised requirements and reason for pre-employment medical screening in light of the Equality Act 2010; • Changes to the criminal records checking process since the creation of the Disclosure and Barring Service • Clarity on acceptance of existing Disclosure Scotland and DBS certificates; • Clarity on costs incurred to obtain a duplicate certificate if the original one is lost by the employee.
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1. Introduction

Employment screening can provide the Council with some assurance that a prospective employee is trustworthy and has the necessary skills and/or experience required to perform the role they have applied for. It can also act as a deterrent to dishonest individuals applying for positions within the organisation in the first place. Failure to screen effectively could lead to reputational or more serious damage to the Council.

This procedure sets out the employment screening activities that will be undertaken by Eden District Council.

1.1 Baseline Personnel Security Standard

The Baseline Personal Security Standard (BPSS) is the recognised standard for HMG pre-employment screening. It seeks to address identity fraud, illegal working and deception generally. The BPSS comprises verification of four main elements:

- 1) Identity
- 2) Employment History
- 3) Nationality and immigration status (including the right to work)
- 4) Unspent criminal records.

In addition, prospective employees are required to account for any significant periods spent abroad (gaps of 6 months or more).

A Baseline Personnel Security Standard check is necessary for any employees who have access to the Government Connect Security Xtranet (GCSX) system which permits transferring data to another statutory body.

1.2 Transparency

To promote transparency, speed up recruitment and comply with data protection legislation, the requirement for BPSS checks and the purposes for which personal information will be used must be made clear in job advertisements and/or recruitment literature/information packs. Explanations must be provided to applicants as soon as reasonably practicable in the recruitment process the nature of the verification process and the methods used to carry it out. Applicants must be reminded that supplying false information or failing to disclose relevant information could be grounds for refusal/dismissal and could amount to a criminal offence.

1.3 Sifting and Shortlisting

The checks should **not** be used for sifting applicants and should only be carried out where employment has been offered subject to satisfactory completion of enquiries.

Whilst successful completion of the BPSS and proof of qualifications are criteria which must be met in order to employ an individual, this should not conflict with the principle of 'selection on merit'.

2. Confirming Identity

Once a preferred candidate has been identified through a recruitment and selection process, s/he will be asked to provide between three and five pieces of original documentation in order to prove his/her identity. The documents must be contained in either Group 1 or Group 2 of the list contained at Appendix 1.

Where an applicant is able to provide a piece of documentation from Group 1, they must provide three documents in total - one from Group 1 and two from Groups 1 or 2.

Where an applicant is unable to provide a document from Group 1 they must provide five documents from Group 2.

All documents must be in the applicant's current name. At least one document must show their current address and at least one document must show their date of birth.

3. Verification of Qualifications

Applicants who are shortlisted for interview are asked to bring originals of any relevant qualifications to the interview. The interview panel will be responsible for seeing and taking copies of the qualifications for the Council's records.

Internal applicants will be asked to supply evidence of relevant qualifications again on the basis that the qualifications required for the vacancy may not be the same as the qualifications required for their substantive post.

Where proof of qualification cannot be produced within a reasonable timescale, a decision will need to be made by the recruiting manager as to whether to offer the post pending provision of proof of qualification. Evidence must be provided within 13 weeks of the employee taking up their post. If proof of qualifications cannot be provided by this date, the offer of employment will be withdrawn. If the employee has already commenced employment, this may have to be terminated on the basis that proof of qualifications cannot be provided.

4. Proof of the Right to Work in the UK

The Asylum and Immigration Act 1996 makes it possible for an employer to be guilty of a criminal offence if they employ someone who does not have permission to be in, or to work in, the United Kingdom.

To ensure that, as an employer, the Council does not discriminate under the Equality Act 2010; the Council must ensure that all new entrants are treated in the same way and asked to supply documentation to prove that they have the right to work in the UK.

The necessary checks will be conducted by the HR section once a preferred candidate has been identified by a selection process.

In some cases, the documentation provided by an applicant to confirm his/her identity may also provide the necessary evidence of the right to work in the UK. Where this is not the case, applicants will be asked to provide evidence of the right to work in the UK by providing one of the documents included in list A or two of the documents in the combinations given in list B of Appendix 2.

This process has not been applied to existing employees of Eden District Council on a retrospective basis and for this reason internal applicants will also be asked to supply proof of the right to work in the UK.

5. References

Eden District Council recognises that its success depends on being able to attract and appoint good quality staff. The referencing procedure forms an integral part of a selection process that is designed to ensure that new recruits have the honesty, integrity and values needed for government-related work. A consistent, thorough approach to referencing is necessary to protect the interests of the Council, its employees, partner organisations and clients and to meet contractual requirements. This referencing procedure conforms to the Her Majesty's Government's Baseline Personnel Security Standard.

As part of the verification of external candidates, the Council will obtain references covering a period of at least three years once an offer of employment has been accepted by the candidate. Where possible, employment references are sought, although other types of reference are accepted for candidates without a solid work history. Offers of employment are made conditional to receipt of satisfactory references and these are required before a decision can be made on an employee's probation review.

5.1 Definitions

The following terms are used in this guidance:

Minimum period	A period of three years dating back from the successful candidate's start date. References should be taken to cover the minimum period.
Gap	A period of six months or more between references or between the end date covered by the most recent reference and the start date. A gap of up to six months is acceptable, but a gap of six months or more should be covered by a personal reference.
Bearer Reference	A testimonial supplied by the candidate which has been previously written by a previous employer or other individual and typically addressed "to whom it may concern".

5.2 Application Form Declaration

All external candidates for vacancies will be required to complete and sign Eden District Council's Application Form. The Application Form contains an acknowledgement that misrepresentation or failure to disclose material facts will constitute grounds for dismissal or withdrawal of offer of employment. By signing the Application Form, candidates give their consent for references to be taken in line with the Council's referencing procedure. Candidates who apply by email or via the online recruitment system are informed that by submitting their Application they are agreeing to the above.

5.3 Types of Reference

The Council requires that references are obtained to cover a period of three years. This should include:

- All places of employment (including self-employment and part time work) during the three year period. References must provide details on dates of employment and the position held. It is also good practice to ask for details on the duties the person carried out and on skills and personal qualities;
- Any places of full time education during the three year period;
- Periods of time spent overseas which exceed three months. In these circumstances the following information should be requested:
 - Proof of residence for time spent abroad;
 - Overseas employer or academic reference;
 - References from UK departments and agencies based overseas, for example the Foreign and Commonwealth Office (FCO) missions, British Council, non-government departments and agencies.
- Confirmation of dates should be cross-references with passports, work permits and by contacting embassies and consulates, where appropriate.

Where an applicant is unable to provide sufficient documentary evidence of their time spent abroad, the recruiting manager should consider what additional assurances may be gained by re-interviewing the applicant or through evidence of other relevant training and experience in the UK.

A personal reference should only be sought in the following circumstances:

- Where there are no places of education or employment during the past three years;
- Where an education or employment reference is unobtainable;
- To cover any gaps in employment/education of six months or more.

References should be obtained in writing. References can be sent and received by email providing that they are from a work email address not a personal email address.

Bearer references are not acceptable. Should a candidate supply a bearer reference, a standard reference request letter should be sent to the referee to verify the information. The only exception is where a bearer reference is supplied where a company has gone into liquidation - in this case the original reference should be seen, copied, dated and signed as having seen the original. This should be supplemented with further evidence of the company's liquidation where possible (eg from Companies House) or other evidence of the candidate's employment such as a payslip, P45 or P60 issued by the employer.

Where a candidate has been in the Armed Forces, this employment should be verified by asking the candidate to supply the original HM Discharge Papers. A photocopy should be taken, dated and signed as having seen the original.

5.4. Referees

References should only be obtained from appropriate individuals within an organisation, including:

- a) For employment references - candidate's line manager or head of department, HR department, director or company owner;
- b) For education references - candidate's tutor, lecturer or teacher, head of faculty, head of year, student records department or school/department secretary;
- c) For self-employment references - candidate's accountant, bank manager, business partner, company secretary, solicitor or client;
- d) For personal references - personal referees should be taken from an individual of some standing within the candidate's local community who has known the candidate for a minimum of three years. This may include a Justice of the Peace, officer of the Armed Forces, teacher, lecturer, medical practitioner, bank manager, civil servant or lawyer. The personal referee should not be an immediate family member (parent, sibling or child) of the candidate.

Where the relationship between a proposed referee and the candidate is unclear from the information supplied on the Application Form, the HR department will seek clarification of this from the candidate before applying for the reference and seek an alternative contact if appropriate.

Where a candidate's former line manager no longer works for the organisation concerned and the candidate feels that they are the only person able to comment on their performance, this reference should always be supplemented by a standard reference from the HR department or other relevant existing employee, unless there are exceptional reasons why this is not possible (eg the organisation

is no longer trading). A file note should be made by the HR section of any such incidences and they should be brought to the attention of the recruiting manager.

5.5 Unsatisfactory References

An unsatisfactory reference is one that indicates dishonesty, alcohol or drug abuse, violence or unacceptable standards of work or behaviour.

If an unsatisfactory reference is received, the following procedure should be followed:

- a) The HR Manager and the recruiting manager should be informed immediately and provided with a copy of the reference;
- b) The referee should be informed in writing that the reference may be shown to the candidate;
- c) An investigation should be held into the circumstances surrounding the information provided in the reference to establish the facts. It is the aim that every person, including the candidate concerned and the referee, be interviewed by the investigating manager. Should the candidate concerned state that there were medical reasons or other extenuating circumstances affecting their performance, Eden District Council reserves the right to request that any information which would support such a claim be made available;
- d) Where appropriate, the candidate will be invited to a meeting to discuss the content of the references. This meeting may result in the termination of their employment or withdrawal of offer of employment. The candidate has the right to appeal the decision.

5.6 Non Responses

All referees are asked to respond within two weeks of the reference request. The HR Department will chase referees who have not responded within one month.

Where a reference is unobtainable due to a company having ceased trading, this should be verified by printing out confirmation from the Companies House website. If this is not available (eg where the organisation was not trading as a limited company) then other proof of employment should be requested from the candidate such as a P45, payslip or P60.

6. Disclosure Scotland Certificates

In order to comply with the Baseline Personnel Security Standard, the Council requires all newly appointed employees to obtain a Basic Disclosure from Disclosure Scotland. A Disclosure is a document containing impartial and confidential criminal history information held by the police and government departments which can be used by employers to make safer recruitment decisions. The Basic Disclosure contains only convictions considered unspent under The Rehabilitation of Offenders Act 1974.

The Disclosure Scotland certificate will be issued to the individual to whom it relates ie the new employee. The employee must provide the original certificate to the HR team within 30 days of receipt and within the first 3 months of their employment. The HR team will make a note of key information, and then share the information with the recruiting manager. Failure, on the part of the employee, to provide the DBS certificate to the HR team within the required timescales could impact on continued employment.

6.1 Costs and Acceptance of Existing Certificates

A fee is payable for each Disclosure Scotland certificate. This cost will be met by Eden District Council.

Due to the fact that the certificates provide information relating to a specific point in time, the Council will not accept existing Disclosure Scotland certificates that a new employee may have received in relation to previous employment.

6.1.1 Cost of Ordering a Duplicate Certificate if the Original is Lost by the Employee

The Disclosure Scotland certificate is sent directly to the employee, who is required to show it to the HR team within 30 days of receipt. If the employee is unable to produce the certificate eg they have lost it, it has been sent to an address that is no longer current, the employee will be required to pay for obtaining a new certificate.

7. Disclosure and Barring Service (DBS) Disclosures

The Disclosure and Barring Service provides information to assist employers in making safe recruitment decisions. The Council will seek to obtain a DBS certificate for individuals wishing to work in certain positions of trust or where their post involves certain forms of contact with children and/or vulnerable adults. DBS certificates will be obtained **after** successful applicants have been selected, but before they take up appointment to a post with the Council. The successful applicant's consent **must** be obtained before this check is made.

The definitions of Regulated Activity can be found at Appendix 6. A flow chart of the DBS disclosure application process can be found at Appendix 7 of this procedure.

7.1 Types of Disclosures

The three levels of disclosure available are:

7.1.1 Standard Disclosures

The standard check is available for duties and positions included in the Rehabilitation of Offenders Act (ROA) 1974 (Exceptions) Order 1975, for example, court officers, employment within a prison, solicitors and chartered accountants.

A standard level certificate contains details of all spent and unspent convictions, cautions, reprimands and final warnings from the Police National Computer (PNC) with the exception of certain old and minor cautions and convictions which are no longer be subject to disclosure.

7.1.2 Enhanced Disclosures

The enhanced check is available for specific duties and positions included in both the Rehabilitation of Offenders Act 1974 (Exceptions Order 1975) and the Police Act 1997 (Criminal Records) regulations, for example, regularly caring for, training, supervising or being solely in charge of children, specified activities with adults in receipt of health care or social care services and applicants for gaming and lottery licenses.

An enhanced level certificate contains the same PNC information as the standard level certificate but also includes a check of information held locally by police forces.

7.1.3 Enhanced with a Barred List Check

The enhanced check with barred list check(s) is only available for those individuals who are carrying out regulated activity and a small number of positions listed in Police Act 1997 (Criminal Records) Regulations, for example, prospective adoptive parents and taxi and Private Hire Vehicle (PHV) licenses.

An enhanced level certificate with barred list check(s) contains the same PNC information and check of information held locally by police forces as an enhanced level check but in addition will check against the children's and/or adult's barred lists.

7.2 The DBS Update Service

The DBS has introduced an update service which, if an individual has registered for the service, would allow the Council to carry out a free online check to find out if the information released on the DBS certificate is current and up-to-date.

An online check will result in one of the following four outcomes:

Online Message	What this Means	What Action is Required
This DBS certificate did not reveal any information and remains current as no further information has been identified since its issue.	The DBS certificate when issued was blank i.e. it did not reveal any information about the person; and no new information has been found since its issue and can therefore be accepted as being still current and valid.	No further action required.
This DBS certificate remains current as no further information has been identified since its issue.	The DBS certificate revealed information about the person; and no new information has been found since its issue and can therefore be accepted as being still current and valid.	Use the information provided on the original DBS certificate. If this cannot be provided, a new DBS certificate should be applied for.
This DBS certificate is no longer current. Please apply for a new DBS check to get the most up-to-date information.	New information has come to light since the DBS certificate was issued and you will need to apply for a new DBS check to see this new information.	A new DBS certificate should be applied for.
The details entered do not match those held on our system.	Either: <ul style="list-style-type: none"> • the individual has not subscribed to the update service; or • the DBS certificate has been removed from the update service; or • the correct information has not been entered. 	The details should be checked for accuracy and re-entered if appropriate. If the details fail to be located on the update system, a new DBS certificate should be applied for.

7.3 Posts Requiring a DBS Certificate

The Council has determined the posts which require a DBS certificate and the level of certificate required, taking account of national guidance published by the Disclosure and Barring Service. This information is contained at Appendix 3. The list of eligible posts will be reviewed periodically and the eligibility of individual posts may be reviewed where there is a material change to the duties contained therein.

Where a post is deemed to require a DBS certificate, it will not require a Basic Disclosure from Disclosure Scotland.

Eden District Council will only seek a DBS certificate for a current employee should they be offered a new post which requires a DBS check. The new appointment would obviously also be made on the conditional basis ie subject to satisfactory clearance by DBS.

7.4 Costs and Acceptance of Existing DBS Certificates

A fee is payable for each DBS certificate. This cost will be met by Eden District Council for posts that have been identified as requiring a disclosure.

The DBS update service incurs an additional, annual fee, and this cost will be met by Eden District Council for any posts which have been identified as requiring a periodic check eg Sports Coaches, Alston Local Links staff.

Due to the fact that DBS certificates provide information relating to a specific point in time, for posts which require a DBS check on entry to the profession, the Council will not accept an existing certificate that a new employee may have received in relation to previous employment.

For posts which require a periodic DBS check, the Council will accept an existing DBS certificate that has been issued to an individual through a previous or concurrent employment, providing the following conditions are met:

- The existing DBS certificate covers the workforce that the individual will be employed in for the Council, ie children, adults or other, and
- The identity details on the certificate match those of the individual, and
- The individual has also signed up for the DBS update service, and
- The individual provides their consent for the Council to conduct an online check of their current DBS status, and
- The Council is able to complete an online update check of the DBS certificate.

If the above conditions are not met, the existing DBS certificate cannot be accepted and a new DBS certificate will need to be applied for.

7.4.1 Cost for Ordering a Duplicate Certificate if the Original is Lost by the Employee

The DBS certificate is sent directly to the employee, who is required to show it to the HR team within 30 days of receipt. If the employee is unable to produce the certificate eg they have lost it, it has been sent to an address that is no longer current, the employee will be required to pay for obtaining a new certificate.

7.5 DBS Application Process

Where a post has been deemed to require a DBS certificate, as part of the application process applicants will be asked to provide details of all convictions,

both spent and unspent, using the form at Appendix 4. A member of the HR team will discuss any declared convictions with the applicant in order to assess whether they would have any bearing on the applicant's suitability for that particular post. Where it is thought that a particular conviction is not conducive to working in the post being applied for, the applicant will be advised of this fact in an effort to manage their expectations. The applicant may wish to withdraw their application at this stage but cannot be forced to do so.

A DBS certificate will only be sought for a preferred candidate following the Council's selection process.

The DBS certificate will be issued to the individual to whom it relates ie the new employee. The employee must provide the original certificate to the HR team within 30 days of receipt and within the first 3 months of their employment. The HR team will make a note of key information, and then share the information with the recruiting manager. Failure, on the part of the employee, to provide the DBS certificate to the HR team within the required timescales could impact on continued employment.

DBS certificates are intended to assist with the decision making process for the suitability of a person for a post and should not be the sole basis of a recruitment decision. A member of the Human Resources Section will provide the recruiting manager with advice that will enable a fair and reasonable decision to be made. Written reasons of any decision will be made available to the applicant if requested. If any offer of employment had to be withdrawn, the applicant would have the right of appeal against this decision by writing to the appropriate Director within seven days of being issued with the decision.

If a DBS certificate reveals information about a criminal record, this will be discussed with the individual concerned and action taken in accordance with the procedure set out in Appendix 6.

7.6 Periodic Checks

Due to the fact that a DBS certificate is based on the information available to the DBS at the time an application is made, the information can become outdated.

Some posts within the Council have been identified as needing periodic checks of an individual's DBS status (see Appendix 3). Wherever possible, in such cases, the DBS update service will be used for this purpose. If it is not possible to use the DBS update service, a new DBS application will need to be made.

If, through using the update service or making a re-application, a DBS certificate reveals information which brings into question the continued employment of an individual, the matter will be dealt with through the Council's disciplinary policy.

7.7 Statement on the Recruitment of Ex-Offenders

As required by the DBS's Code of Practice the Council has a specific statement on the recruitment of ex-offenders which is included as Appendix 5 to this policy.

7.8 Referral to the Disclosure and Barring Service

The Safeguarding Vulnerable Groups 2006 Act sets a legal duty for the Council to refer information to the DBS if it dismisses or removes a member of staff from working with children and/or adults (in what is legally defined as Regulated Activity) because they meet the referral criteria. The Council has a duty to refer information to the DBS as both a Regulated Activity Provider and as a Local Authority. Please see the DBS Referrals Procedure for more information.

8. Pre-employment Medical Assessment

The purpose of obtaining a medical assessment is for the Council's occupational health (OH) provider to assess the successful applicant's medical history and assess what, if any, reasonable adjustments should be considered to assist the post holder in achieving the requirements of the post.

Applicants who are offered employment will be sent an occupational health questionnaire and asked to return it directly to the Council's OH provider in an envelope bearing their unique candidate reference number.

The Human Resources section will receive a statement from the occupational health provider indicating their professional opinion of the candidate's suitability for undertaking the duties of the post. For reasons of confidentiality, the occupational health provider will not disclose details of any medical condition that an applicant may have; they will only provide advice on how such a condition will impact on the applicant's ability to perform the duties of the post and any adjustments that may assist in this matter.

Where the applicant has a disability that could impact on their ability to undertake the role, advice relating to reasonable adjustments will be sought from the Council's occupational health provider. A discussion will then take place between the Human Resources section and the Recruiting Manager with the aim of making any reasonable adjustments required. The Council has a legal obligation to make reasonable adjustments, and more details on this matter can be found in the Council's **Disability in the Workplace** document.

Where the adjustments required to allow the candidate to take up the post are deemed to be unreasonable it may be the case that the post cannot be offered to the candidate. In these circumstances it would be appropriate for the post to be offered to the second most suitable candidate.

9. Refusal to Undergo an Element of the Employment Screening Process

It is vital that the Council applies the requirements of its employment screening process in a consistent way to all eligible applicants.

Failure, on the part of an individual, to take part in all elements of the employment screening process, where there are no alternatives, could lead to a

refusal of employment. In such cases, individuals should be made aware that it will not be possible to employ them should they refuse.

10. Commencing Employment

In general, individuals must not start work until the BPSS has been satisfied. Employment **must** not commence until identity and the right to work in the UK has been established as a minimum.

In exceptional circumstances only (eg where delays would have a detrimental effect on the organisation's business), conditional appointments may be made where they have been risk assessed and the outcome recorded. In all cases, line managers are responsible for ensuring that close supervision of the new employee is observed at all times and that the BPSS is completed as soon as possible thereafter and certainly within three months of the employment commencing.

In no circumstances will employment be confirmed or the screening process be considered to be complete until all required references and other relevant screening checks have been received. All offers of employment are made subject to this condition.

Although completion of the BPSS is considered to be the minimum pre-employment screening at EDC there may be occasions when it is not possible to carry out all of its checks. However such instances must be appropriately risk-managed and the reasons for not applying the BPSS in full recorded on file and signed off by the appropriate Chief Officer.

11. Documentation, Usage, Storage and Retention of Employment Screening Documents

11.1 Documentation and Storage of Evidence

11.1.1 Confirming Identity

Original documents are seen and copied by a member of the HR team. A process is undertaken to ensure the documents comply with the requirements detailed in Appendix 1. The document copies are stored on the employee's personal file, along with an overview record, which details the documents that have been seen (see Appendix 8).

11.1.2 Verification of Qualifications

The Chair of each interview panel is responsible for viewing and copying original qualification certificates which have been brought to interview by a candidate. A check is undertaken by the HR team to ensure the individual has the level of qualifications required by the person specification for the post, and copies of the qualification certificates are stored on the employee's personal file.

11.1.3 Right to Work in the UK

Original documents are seen and copied by a member of the HR team. A process is undertaken to ensure the documents comply with the requirements detailed in Appendix 2. The document copies are stored on the employee's personal file.

11.1.4 References

References are requested for individuals who are offered employment with Eden District Council. This is done in writing by the HR team, using one of the following templates:

- Employment - this is sent to a previous employer of the individual (see Appendix 9)
- Personal - this is sent to obtain a personal or character reference (see Appendix 10)
- Working with Children - this is sent for posts which involve working with children (see Appendix 11)

References are held on an employee's personal file.

11.1.5 Disclosure Scotland Certificates

The disclosure certificate is sent directly to the employee, and they are asked to show it to a member of the HR team, who records the serial number of the certificate and the date on which it was issued. This information is held in the employee's personal file and on the Staff Details spreadsheet, to which only the HR team has access.

11.1.6 DBS Certificates

The disclosure certificate is sent directly to the employee, and they are asked to show it to a member of the HR team, who records the serial number of the certificate and the date on which it was issued. This information is held in the employee's personal file and on the Staff Details spreadsheet, to which only the HR team has access.

11.2 Usage

Employment screening information will be used solely for the specific purpose for which it was requested and for which the candidate's full consent has been given.

In accordance with section 124 of the Police Act 1997, Disclosure information is only passed to those who are authorised to receive it in the course of their duties. Authorised individuals would be a member of staff from the Human Resources Section, the recruiting manager and the individual concerned. A record of all those to whom Disclosures or Disclosure information has been revealed, will be maintained and the Council acknowledges that it is a criminal offence to pass this information to anyone who is not entitled to receive it.

11.3 Access

Access to employment screening documents will be strictly controlled by the Human Resources Manager and limited to authorised individuals who are entitled to see such information in the course of their duties.

11.4 Disposal

Once an employment screening document is no longer required, it will be destroyed either by shredding or the use of a confidential waste service.

Appendix 1

Confirming Identity - List of Valid Identity Documents

Group 1

- Passport
- UK or EU National Identity Card
- Identity Card for Foreign Nationals (ICFN)
- Driving Licence (UK) (Full or provisional) - England/Wales/Scotland/Northern Ireland/Isle of Man/Jersey; either photocard or paper (a photo card is only valid if the individual presents it with the counterpart licence; except Jersey)
- Birth Certificate (UK) - issued within twelve months of date of birth - full or short form acceptable including those issued by UK authorities overseas, such as Embassies, High Commissions and HM Forces
- HM Forces ID Card (UK)
- Firearms Licence (UK)
- Adoption Certificate (UK)

Group 2

- Marriage/Civil Partnership Certificate
- Financial Statement ** - eg pension, endowment, ISA
- Birth Certificate
- Vehicle Registration Document (Document V5 old style and V5C new style only)
- P45/P60 Statement **(UK)
- Mail Order Catalogue Statement*
- Bank/Building Society Statement*
- Court Claim Form** (UK)
- Documentation issued by Court Services*
- Utility Bill* - electricity, gas, water, telephone - including mobile phone contract/bill
Exam Certificate eg GCSE, NVQ, O Levels, Degree
- TV Licence**
- Addressed Payslip *
- Credit Card Statement *
- National Insurance Card (UK)
- Store Card Statement *
- NHS Card (UK)
- Mortgage Statement **
- Benefit Statement* - eg Child Allowance, Pension

- Insurance Certificate **
- Certificate of British Nationality (UK)
- Council Tax Statement (UK) **
- Work Permit/Visa (UK) **
- A document from Central/ Local Government/ Government Agency/ Local Authority giving entitlement (UK)*: eg from the Department for Work and Pensions, the Employment Service, Customs & Revenue, Job Centre, Job Centre Plus, Social Security
- One of the following documents from the United Kingdom Borders Agency (UKBA) (formerly the Immigration and Nationality Directorate - IND) (UK):

* documentation should be less than three months old

** issued within the last twelve months

At least one document must confirm the applicant's current address and at least one document must confirm the applicant's date of birth.

This list is subject to change and was last updated on 21 April 2010.

Appendix 2

Proof of the Right to Work in the UK

Source: Prevention of Illegal Working - Summary Guidance for Employers.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/286642/summary-guidance.pdf

LIST A - Documents demonstrating an individual has the right to work in the UK with no restrictions:

Documents listed as items 1 to 6 can be presented on their own as indefinite evidence of eligibility to work in the UK.

1. A passport showing that the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.
2. A passport or national identity card showing that the holder, or a person named in the passport as the child of the holder, is a national of the European Economic Area or Switzerland.
3. A residence permit, registration certificate or document certifying or indicating permanent residence issued by the Home Office or the Border and Immigration Agency to a national of a European Economic Area country or Switzerland.
4. A permanent residence card issued by the Home Office or the Border and Immigration Agency to the family member of a national of a European Economic Area country or Switzerland.
5. A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
6. A passport or other travel document endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

The following documents, if presented, must be accompanied by an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

7. An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK.

8. A full birth certificate issued in the UK which includes the name(s) of at least one of the holder's parents.
9. A full adoption certificate issued in the UK which includes the name(s) of at least one of the holder's adoptive.
10. A birth certificate issued in the Channel Islands, the Isle of Man or Ireland.
11. An adoption certificate issued in the Channel Islands, the Isle of Man or Ireland.
12. A certificate of registration or naturalisation as a British citizen.
13. A letter issued by the Home Office or the Border and Immigration Agency to the holder which indicates that the person named in it is allowed to stay indefinitely in the UK.

LIST B - Documents which indicate eligibility to work in the UK with limitations. **These documents must be checked again a least every twelve months whilst employed by Eden District Council.**

Documents listed as items 1, 2 and 3 can be presented on their own as evidence of limited eligibility to work in the UK.

1. A passport or travel document endorsed to show that the holder is allowed to stay in the UK and is allowed to do the type of work in question, provided that it does not require the issue of a work permit.
2. A Biometric Immigration Document issued by the Border and Immigration Agency to the holder which indicates that the person named in it can stay in the UK and is allowed to do the work in question.
3. A residence card or document issued by the Home Office or the Border and Immigration Agency to a family member of a national of a European Economic Area country or Switzerland.

The following documents, if presented, must be accompanied by the official documentation stipulated.

4. A work permit or other approval to take employment issued by the Home Office or the Border and Immigration Agency **when produced in combination with** either a passport or another travel document endorsed to show the holder is allowed to stay in the UK and is allowed to do the work in question, or a letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer confirming the same.

- 
5. A certificate of application issued by the Home Office or the Border and Immigration Agency to or for a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is less than six months old **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service (see guidance notes for details of this service).
 6. An Application Registration Card issued by the Home Office or the Border and Immigration Agency stating that the holder is permitted to take employment, **when produced in combination with** evidence of verification by the Border and Immigration Agency Employer Checking Service.
 7. An Immigration Status Document issued by the Home Office or the Border and Immigration Agency to the holder with an endorsement indicating that the person named in it can stay in the UK, and is allowed to do the type of work in question, **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.
 8. A letter issued by the Home Office or the Border and Immigration Agency to the holder or the employer or prospective employer, which indicates that the person named in it can stay in the UK and is allowed to do the work in question **when produced in combination with** an official document giving the person's permanent National Insurance Number and their name issued by a Government agency or a previous employer.

Appendix 3

Posts Requiring a DBS Certificate

The following posts have been identified by Eden District Council as requiring a DBS certificate:

Post Title	Level of DBS Certificate	Frequency of Check
Director of Corporate and Legal Services	Standard	On entry to the profession
Legal Services Manager	Standard	On entry to the profession
Legal Executive	Standard	On entry to the profession
Sports Coaches	Enhanced with a Barred List Check	Every 2 years
Alston Local Links staff	Enhanced with a Barred List Check	Every 2 years
Customer Services Manager (as manager of the Alston Local Links team)	Enhanced with a Barred List Check	Every 2 years
Penrith Museum staff	Enhanced with a Barred List Check	Every 2 years
Assistant Leisure Officer (as manager of the Sports Coaches)	Enhanced with a Barred List Check	Every 2 years
Leisure Manager (as manager of the Penrith Museum staff)	Enhanced with a Barred List Check	Every 2 years

Appendix 4

Applying for a Post which is Exempt from the Rehabilitation of Offenders Act

The post you are applying for is exempt from the Rehabilitation of Offenders Act 1974. You are therefore required to provide details of all previous convictions, regardless of whether they would be considered as “spent” in other circumstances. A copy of the Council’s Policy on the Recruitment of Ex-Offenders is printed overleaf for your information.

Do you have any convictions to declare?

Yes/No*

If yes, please provide full details of all convictions below:

Offence	Date of Conviction	Sentence

For posts which involve contact with children or vulnerable adults, please also complete the following:

Are you on either of the 2 DBS-barred lists?

Yes/No*

Are you subject to a disqualification from working with children in any way (including sanctions imposed by a regulatory body such as the General Medical Council, General Teaching Council etc)?

Yes/No*

Signed _____ Print Name _____

Date _____

Failure to complete this form could make you ineligible for selection.

* Delete as appropriate

Appendix 5

Statement on the Recruitment of Ex-Offenders

As an organisation using the Disclosure and Barring Service (DBS) to assess applicants' suitability for positions of trust, Eden District Council complies fully with the DBS Code of Practice and undertakes to treat all applicants for positions fairly. It undertakes not to discriminate unfairly against any subject of a Disclosure on the basis of a conviction or other information revealed.

Eden District Council is committed to the fair treatment of its staff, potential staff or users of its services, regardless of race, disability, gender reassignment, sex, marriage and civil partnership, pregnancy and maternity, religion and belief, sexual orientation, age or offending background.

The Council's policy on the recruitment of ex-offenders will be available to all Disclosure applicants at the outset of the recruitment process.

The Council will actively promote equality of opportunity for all with the right mix of talent, skills and potential and welcome applications from a wide range of candidates, including those with criminal records. The Council will select all candidates for interview based on their skills, qualifications and experience.

A Disclosure is only requested after a thorough risk assessment has indicated that one is both proportionate and relevant to the position concerned. For those positions where a Disclosure is required, all application forms, job adverts and recruitment briefs will contain a statement that a Disclosure will be requested in the event of the individual being offered the position.

Where a Disclosure is to form part of the recruitment process, the Council will encourage all applicants called for interview to provide details of their criminal record at an early stage in the application process. To respect confidentiality and the sensitive nature of this information, details of the full criminal record provided in this way will be separated from the main application form and retained by the Human Resources department.

Unless the nature of the position allows the Council to ask questions about a person's entire criminal record, the Council will only ask about 'unspent' convictions as defined in the Rehabilitation of Offenders Act 1974.

The Council will ensure that all those in the Council who are involved in the recruitment process have been suitably trained to identify and assess the relevance and circumstances of offences. The Council will ensure that they have received appropriate guidance and training in the relevant legislation relating to the employment of ex-offenders, eg the Rehabilitation of Offenders Act 1974.



At interview, or in a separate discussion, the Council will ensure that an open and measured discussion takes place on the subject of any offences or other matter that might be relevant to the position. Failure to reveal information that is directly relevant to the position sought could lead to withdrawal of an offer of employment or dismissal.

The Council will make every applicant who is subject to a DBS Disclosure aware of the existence of the DBS Code of Practice and make a copy available on request.

The Council will undertake to discuss any matter revealed in a Disclosure with the person seeking the position before withdrawing a conditional offer of employment.

Having a criminal record will not necessarily bar you from working with us. This will depend on the nature of the post and the circumstances and background of your offence.

Appendix 6

Definition of Regulated Activity that requires an Enhanced Level DBS Check (From 10 September 2012)

Children

A child is defined as someone who is under the age of 18.

To come under Regulated Activity, the individual needs to carry out an Activity or carry out work in a specific Establishment (or both).

Activity

The activity needs to be carried out by the same person and meet the following Frequency test:

- Once a week or more or
 - 4 or more days in 30 or
 - Overnight
- a) Driving a vehicle being used only for transporting children and carers/supervisors;
 - b) Teaching, training or instruction;
 - c) Care or supervision - if care is personal care, help with eating/drinking or medical surgical care then the Frequency test can be ignored;
 - d) Advice or guidance relating to a child's physical, emotional or educational wellbeing;
 - e) Moderating a public electronic interactive communication service (eg internet chatroom) likely to be used mainly by children;
 - f) The manager/supervisor of an individual carrying out any of the above activities.

Establishment

The work in the establishments below needs to give the person the opportunity in their work to have contact with children, be carried out by the same person and meet the following Frequency test:

- Once a week or more or
 - 4 or more days in 30 or
 - Overnight
- a) School;
 - b) Pupil referral unit (also known as Education Centres or Short Stay Schools);
 - c) Institutions for the detention of children;
 - d) Children's homes/residential units;
 - e) Children's centres;
 - f) Nursery schools;
 - g) Childcare premises (including nurseries).

NB - Occasional services provided to Children's Establishment (eg maintenance/repair workers) no longer come under Regulated Activity and must not be DBS checked.

Definition of Regulated Activity that requires an Enhanced Level DBS check (From 10 September 2012)

Adults

The new definition of Regulated Activity relating to adults no longer labels adults as 'vulnerable'. Instead, the definition identifies the activities which, if any adult requires them, lead to that adult being considered vulnerable at that particular time.

This means that the focus is on the activities required by the adult and not on the setting or the personal characteristics or circumstances of the adult receiving the activities.

Activity

Unlike work with Children, there is no requirement for the activity to be done by the same person and no requirement for it to meet a Frequency test.

(a) Providing personal care:

- provides physical assistance with eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails because of an adult's age, illness or disability.
- prompts and then supervises an adult who, because of their age, illness or disability, cannot make the decision to eat or drink, go to the toilet, wash or bathe, get dressed or care for their mouth, skin, hair or nails without that prompting or supervision.
- trains, instructs or offers advice or guidance which relates to eating or drinking, going to the toilet, washing or bathing, dressing, oral care or care of the skin, hair or nails to adults who need it because of their age, illness or disability.

(b) Providing social work:

- the provision by a social care worker of social work which is required in connection with any health care or social services to an adult who is a client or potential client.

(c) Conveying:

- A person who transports an adult because of their age, illness or disability either to or from their place of residence and a place where they have received, or will be receiving, health care, personal care or social care; or between places where they have received or will be receiving health care, personal care or social.

(d) Providing health care:

- Any health care professional providing health care to an adult, or anyone who provides health care to an adult under the direction or supervision of a health care professional.

(e) Assistance with cash, bills and/or shopping:

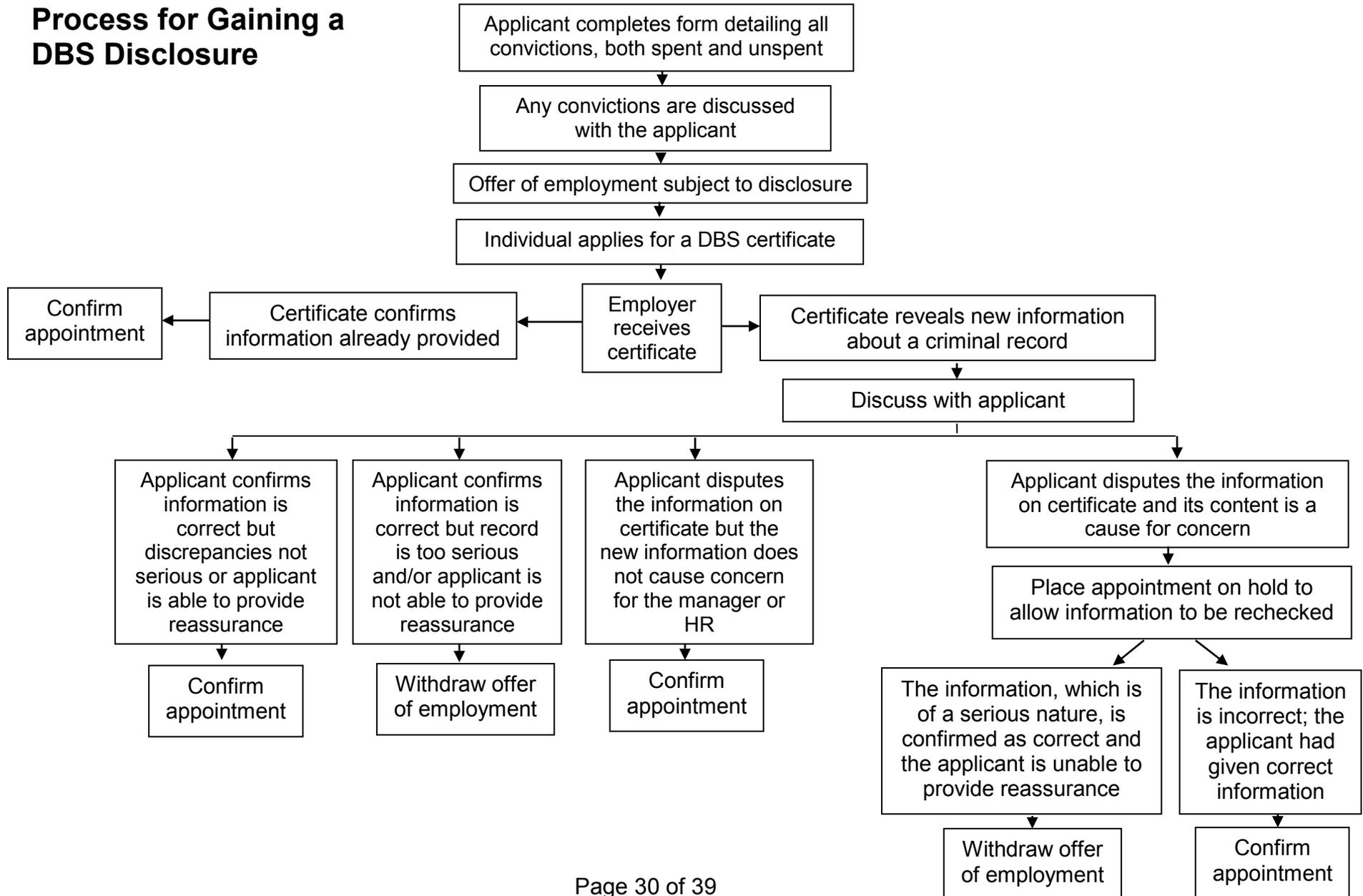
- The provision of assistance to an adult because of their age, illness or disability, if that includes managing the person's cash, paying their bills or shopping on their behalf.

(f) Assistance in the conduct of a person's own affairs:

- Anyone who provides various forms of assistance in the conduct of an adult's own affairs (eg power of attorney).

Appendix 7

Process for Gaining a DBS Disclosure



Appendix 8

Name:

Date:

PRODUCE ANY DOCUMENT FROM GROUP 1?

Yes

No

You need 3 documents One document from Group 1 and two from Groups 1 or 2

You need 5 documents Five documents from Group 2

PLEASE NOTE: All documents must be in your current name
 At least one document must show your current address
 At least one document must show your date of birth

Group 1	Tick	Sign
Valid passport (any nationality)		
UK Driving Licence (either photocard or paper)		
Original UK Birth Certificate (issued within twelve months of date of birth) (full or short form acceptable)		
Valid photo identity card (EU countries only)		
UK Firearms Licence		
Group 2		
Marriage certificate		
Non-original UK birth certificate (issued after twelve months of date of birth) (full or short form acceptable)		
P45/P60 statement		
Bank or building society statement		
Utility bill (electricity, gas, water, telephone bill) (including mobile phone contract/bill)		
Valid TV Licence		
Credit card statement		
Store card statement		
Mortgage statement		
Valid insurance certificate		
Correspondence or a document from: the Benefits Agency; the Employment Service; the Inland Revenue, or a Local Authority		
Financial statement (eg pension, endowment, ISA)		
Valid vehicle registration document		
Mail order catalogue statement		
Court summons		
Valid NHS Card		
Addressed payslip		
National Insurance number card		
Exam certificate (eg GCSE, NVQ)		
Child benefit book		
Connexions cards		
Certificate of British nationality		
Work permit/visa		

Appendix 9

Reference Request - Employment

Our Reference: BMc/HRS/Ref/INT
Enquiries to: Mrs Bibian McRoy
Direct Dial: (01768) 212243
Email: Bibian.mcroy@eden.gov.uk
Date: **Insert Date**



Town Hall, Penrith, Cumbria CA11 7QF
Tel: (01768) 212210
Email: human.resources@eden.gov.uk

Private & Confidential

Address 1
Address 2
Address 3
Postcode

Reference Request

Name
DOB
Post applied for

Dear **Referee**

Name has applied for the above post and has suggested you might provide a reference and has agreed that we can contact you for one.

I enclose a copy of the job description/person specification and should be glad if you would let me have your opinion as to **his/her** capabilities, personal qualities and suitability for the post by completing the information requested below. I would be grateful if you would provide whatever details you feel able to according to the criteria below. Should you prefer to send this information in another format this would be equally acceptable (e.g. a written statement).

I must inform you that you have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission and that relevant factual content of the reference may be discussed with the applicant.

If you'd prefer to speak on the phone please call me on 01768 212243.

Would you please complete and return this form as quickly as possible to Human Resources, Eden District Council, Town Hall, Penrith, Cumbria, CA11 7QF; Telephone (01768) 212210; Fax (01768) 890470; human.resources@eden.gov.uk

Please confirm your relationship to the candidate:

Please confirm dates of employment.	From:	
	To:	
Please give your assessment of:		
The applicant's working relationship with colleagues (eg team working, co-operation, supervisory style).		
The applicant's ability/skills (eg technical, supervisory, organisational)		
The applicant's suitability for this post.		
Please give any further information which you feel is relevant with regard to the application.		
Are you aware of any reasons which render the applicant unsuitable for the post?		
Any other comments?		

Under the Data Protection Act (UK) the person named above would normally have access to the information provided here if requesting it from the receiving organisation. If there are strong reasons for protecting confidentiality (risk to referee, etc) please state them here. For your information the law relating to data protection and references is explained at www.ico.org.uk

Referee's signature

Date

Referee's name

Referee's title

On behalf of

(employer/organisation, if applicable)

Please return this form to the Human Resources Manager, Town Hall, Penrith, Cumbria, CA11 7QF (envelope enclosed) or email from an identifiable email address to human.resources@eden.gov.uk

Please make a copy of your reply for your own records and if in doubt about anything you'd like to state on this form please seek advice before writing and sending a response.

I would like to thank you in advance for your assistance in this matter.

Yours sincerely

Bibian McRoy
Human Resources Manager
Bibian.McRoy@eden.gov.uk

Appendix 10

Reference Request - Personal

Our Reference: BMc/HRS/Ref/**INT**
Enquiries to: Mrs Bibian McRoy
Direct Dial: (01768) 212243
Email: Bibian.mcroy@eden.gov.uk
Date: **Insert Date**



Town Hall, Penrith, Cumbria CA11 7QF
Tel: (01768) 212210
Email: human.resources@eden.gov.uk

Private & Confidential

Address 1
Address 2
Address 3
Postcode

Reference Request

Name
DOB
Post applied for

Dear **Referee**

Name has applied for the above post and has suggested you might provide a personal character reference and has agreed that we can contact you for one.

I enclose a copy of the job description/person specification and should be glad if you would let me have your opinion as to **his/her** capabilities, personal qualities and suitability for the post by completing the information requested below. I would be grateful if you would provide whatever details you feel able to according to the criteria below. Should you prefer to send this information in another format this would be equally acceptable (eg a written statement).

I must inform you that you have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission and that relevant factual content of the reference may be discussed with the applicant.

If you'd prefer to speak on the phone please call me on 01768 212243.

Would you please complete and return this form as quickly as possible to Human Resources, Eden District Council, Town Hall, Penrith, Cumbria, CA11 7QF; Telephone (01768) 212210; Fax (01768) 890470; human.resources@eden.gov.uk

Please state your relationship to the candidate:

Please confirm the dates during which you have known the candidate:

From: _____ **To:** _____

<p>Please give your assessment of the applicant's suitability for this post (eg evidence of relevant required skills or characteristics):</p>
<p>Please give any further information which you feel is relevant with regard to the application.</p>
<p>Are you aware of any reasons which render the applicant unsuitable for the post?</p>
<p>Any other comments?</p>

Under the Data Protection Act (UK) the person named above would normally have access to the information provided here if requesting it from the receiving organisation. If there are strong reasons for protecting confidentiality (risk to referee, etc) please state them here. For your information the law relating to data protection and references is explained at www.ico.org.uk.

Referee's signature

Date

Referee's name

Referee's title (if applicable)

Please return this form to the Human Resources Manager, Town Hall, Penrith, Cumbria, CA11 7QF (envelope enclosed) or email from an identifiable email address to human.resources@eden.gov.uk

Please make a copy of your reply for your own records and if in doubt about anything you'd like to state on this form please seek advice before writing and sending a response.

I would like to thank you in advance for your assistance in this matter.

Yours sincerely

Bibian McRoy
 Human Resources Manager
Bibian.McRoy@eden.gov.uk

Appendix 11

Reference Request - Working with Children

Our Reference: BMc/HRS/Ref/**INT**
Enquiries to: Mrs Bibian McRoy
Direct Dial: (01768) 212243
Email: Bibian.mcroyc@eden.gov.uk
Date: **Insert Date**



Town Hall, Penrith, Cumbria CA11 7QF
Tel: (01768) 212210
Email: human.resources@eden.gov.uk

Private & Confidential

Address 1
Address 2
Address 3
Postcode

Reference Request

Name

DOB

Post

<Job Title> DBS designated post

Dear **Referee**

Eden District Council is committed to safeguarding and promoting the welfare of children and young people. The above has applied for a job with our organisation which can involve **unsupervised contact with children or has been designated as a post which has an influence over decisions which affect children or young people (eg requiring a DBS check).** (delete as appropriate).

Name has suggested you might provide a reference and has agreed that we can contact you for one. I would be grateful if you would provide whatever details you feel able to according to the criteria below. Should you prefer to send this information in another format this would be equally acceptable (eg a written statement).

I must inform you that you have a responsibility to ensure that the reference is accurate and does not contain any material misstatement or omission and that relevant factual content of the reference may be discussed with the applicant.

If you'd prefer to speak on the phone please call me on 01768 212243.

Would you please complete and return this form as quickly as possible to Human Resources, Eden District Council, Town Hall, Penrith, Cumbria, CA11 7QF; Telephone (01768) 212210; Fax (01768) 890470; human.resources@eden.gov.uk

Please state your relationship to the candidate:

Please confirm the dates during which you have known the candidate:	
From:	To:
General Character	
Attitude	
Relationships with others/peers/subordinates	
Team-working	
Personal integrity and honesty	
Reliability	
Calmness under pressure	
Competence (state skills if appropriate)	
Are you completely satisfied that the applicant is suitable to work with children and/or young people?	
Yes <input type="checkbox"/> No <input type="checkbox"/>	
If No, please provide specific reasons:	
Any other comments?	

Under the Data Protection Act (UK) the person named above would normally have access to the information provided here if requesting it from the receiving organisation. If there are strong reasons for protecting confidentiality (risk to referee, etc) please state them here. For your information the law relating to data protection and references is explained at www.ico.org.uk.

Referee's signature

Date

Referee's name

Referee's title (if applicable)

On behalf of

(employer/organisation, if applicable)



Please return this form to the Human Resources Manager, Town Hall, Penrith, Cumbria, CA11 7QF (envelope enclosed) or email from an identifiable email address to human.resources@eden.gov.uk

Please make a copy of your reply for your own records and if in doubt about anything you'd like to state on this form please seek advice before writing and sending a response.

I would like to thank you in advance for your assistance in this matter.

Yours sincerely

Bibian McRoy
Human Resources Manager
Bibian.McRoy@eden.gov.uk